

California Regional Water Quality Control Board
Santa Ana Region

Minutes of March 4, 2005
City of Loma Linda Council Chambers
25541 Barton Road
Loma Linda

Chair Beswick called the meeting to order at 9:10 a.m.

Board Members Present

Board Members Absent

Carole Beswick, Chair
Fred Ameri, Vice-Chair
Jose Solorio
John Withers
Seymour Van Gundy
William Ruh

Staff Members Present

Gerard J. Thibeault, Executive Officer
Jorge León, Office of Chief Counsel
Kurt V. Berchtold, Assistant Executive Officer
Joanne E. Schneider, Environmental Program Manager
Michael J. Adackapara, Supervising Water Resource Control Engineer
Robert Holub, Supervising Water Resource Control Engineer
Gary Stewart, Chief of Surveillance and Enforcement
Mark G. Adelson, Chief of Regional Planning Programs
Jun Martinez, Chief of Regulations
Milasol Gaslan, Chief of Storm Water (Inland Waters)
Wanda Marquis-Smith, Chief of Basin Planning (Coastal)
Kathy Rose, Environmental Scientist
Najah Amin, Water Resource Control Engineer
Kevin Heinemann, Staff Information Systems Analyst
Catherine A. Ehrenfeld, Staff Services Analyst

State Board Representative

None present

Public Attendance

Joan Dotson, past Board Member
John Dahlke, Western Municipal Water District
Luke Walker, Griffith Company
James Walker, Tetra Tech Inc.
Matt Yeager, San Bernardino County Flood Control
Jon Kindschy, UC Riverside
Neloufar Eshraghi, UC Riverside
Richard Small, UC Riverside
Greg Woodside, Orange County Water District
Tom Rheiner, Riverside County Flood Control
Dan Ilkay, San Bernardino County

Ryan Hiete, MPG, LLP
Chris Crompton, County of Orange
Jacob Schmuck-Walerfield, UC Riverside
Sunny Sinba, UC Riverside
Katie Hamic, UC Riverside

2. Public Forum

There were no speakers.

3. Approval of Minutes

Action: It was moved by Member Withers, seconded by Member Ruh and unanimously approved that the Minutes of February 3, 2005 be approved as presented.

4. Resolution of Appreciation for Joan Dotson

Board Chair Beswick presented Resolution No. R8-2005-0047 to Joan Dotson for her service as a member of the California Regional Water Quality Control Board, Santa Ana Region, from 2001 through 2004.

5. Consent Calendar

It was noted that Item No. 8 had errata, 9 was moved to the regular agenda, 10 has been postponed, and 18 and 19 have been settled and no Board action is necessary. Member Withers did no participate or vote on Item No. 13 and Member Solario did not participate or vote on Item No. 17.

*6. Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement — Jose Rodriguez, 4847 Troth Street, Mira Loma, Riverside County - APN 159-111-006-8.

*7. Appeal for an Exemption from the Homeland-Green Acres and Romoland Waste Discharge Prohibition — AAA Pacific Manufactured Homes, Parcel 4, Parcel Map 16542, Parasol Drive, Homeland, Riverside County - APN 458-270-020-8

*8. Renewal of Waste Discharge Requirements for Elsinore Valley Municipal Water District, Regional Water Reclamation Facility, Temescal Creek and Lake Elsinore Discharge, Riverside County, NPDES No. CA 8000027 — Waste discharge requirements for discharge of tertiary treated wastewater from the Regional Water Reclamation Facility into Temescal Creek and into Lake Elsinore for lake replenishment.
Order No. R8-2005-0003

*11. Amendment of Waste Discharge Requirements for Western Riverside County Regional Wastewater Authority's Western Riverside County Regional Wastewater Treatment Plant. (NPDES No. CA8000316) — To authorize and include requirements for the production and use of recycled water.
Order No. R8-2005-0008

*12. Amendment of General Waste Discharge Requirements for Discharges to Surface Waters that Pose an Insignificant (DeMinimus) Threat to Water Quality (NPDES No. CAG998001). To provide coverage of previously excluded groundwater related discharges and/or de minimus discharges within the San Diego Creek/Newport Bay watershed, provided such wastewater discharges do

not contain nitrogen, selenium or TMDL pollutants of concern at levels that pose a threat to water quality.
Order No. R8-2005-0041

- *13. Waste Discharge Requirements for SunCal Companies, Hemet — Authorizing the discharge of fill to isolated drainages in the McSweeney Farms Specific Plan residential development project in the City of Hemet. The U.S. Army Corps of Engineers has not taken jurisdiction over the proposed discharges.
Order No. R8-2005-0048
- *14. Waste Discharge Requirements for Century Crowell Communities, Tract 15548, City of Yucaipa — Waste Discharge Requirements authorizing the discharge of fill to a riparian drainage in the City of Yucaipa for the extension of a storm drain outfall and road widening associated with the construction of Tract 15548. The affected drainage is subject to U.S. Army Corps of Engineers jurisdiction and this Order will be considered in lieu of issuing a Clean Water Act Section 401 Water Quality Standards Certification.
Order No. R8-2004-0110
- *15. Waste Discharge Requirements for and Wasson Canyon Investments, LP, Tract No. 31792 — Authorizing the discharge of fill to isolated drainages in the Villages at Wasson Canyon residential development project in the City of Lake Elsinore, Riverside County. The U.S. Army Corps of Engineers has not taken jurisdiction over the proposed discharges.
Order No. R8-2005-0051
- *16. Revised Waste Discharge Requirements, IEUA Co-Composting Facility, Chino
Revision of waste discharge requirements to allow the use of three additional bulking agents at the site.
Order No. R8-2005-0012
- *17. Orange County Transit Authority, Underground Storage Tank Variance
Approval of a variance to the Underground Storage Tank regulations regarding the need for routine testing of secondary containment on aboveground piping at the new Bus Maintenance and Operations Base in Santa Ana.
Resolution No. R8-2005-0054.

Action: It was moved by Member Ruh, seconded by Member Van Gundy and unanimously approved that the Board adopt Orders No. R8-2005-0003, with errata, R8-2005-0008, R8-2005-0041, R8-2005-0048, R8-2004-0110, R8-2005-0051, R8-2005-0012 and Resolution No. R8-2005-0054, and approve the exemption from minimum lot size requirements requested by Jose Rodriguez and AAA Pacific Manufactured Homes.

9. Renewal of Waste Discharge Requirements for El Modeno Gardens, Inc. — Waste discharge requirements for the discharge of irrigation and storm runoff from the facility into a storm drain that discharges to San Diego Creek. Order No. R8-2005-0009.

Written comments were received from Jo-Anne Newton, VP of El Modeno Gardens, Inc. The written comments request that staff continue to work with them to “develop a safe and effective plan for monitoring during storm water conditions.”

Action: It was moved by Member Ruh, seconded by Member Solario and unanimously approved that the Board adopt Order No. R8-2005-009 with the understanding that staff will continue to work with El Modeno Gardens as requested.

18. Administrative Civil Liability Complaint, City of Stanton, Orange County — The Board will consider whether to affirm, reject, or modify the administrative civil liability assessment proposed in Administrative Civil Liability Complaint No. R8-2004-0084. (This item was postponed from the February 3, 2005 Board Meeting)

This item has been settled and no Board action was necessary.

19. Administrative Civil Liability Complaint, City of Buena Park, Orange County — The Board will consider whether to affirm, reject, or modify the administrative civil liability assessment proposed in Administrative Civil Liability Complaint No. R8-2004-0083. (This item was postponed from the February 3, 2005 Board Meeting)

This item has been settled and no Board action was necessary.

20. Rubidoux Community Services District Sewage Spill — Briefing regarding a sewage spill into the Santa Ana River that occurred during the January storms (information item).

Gary Stewart, Chief of Surveillance and Enforcement, briefed the Board regarding the sewage spill that occurred on January 9 and 10, 2005 resulting in 4.2 million gallons of raw sewage being released to the Santa Ana River. The Santa Ana River changed course in the Rubidoux area due to intense rainfall, and the very high flows in the River washed out two sewer lines owned by the Rubidoux Community Services District (RCSD). Mr. Stewart explained the events leading up to the spill and the actions taken by RCSD in response. Mr. Stewart further noted that the relatively sudden change in the River's course was an unforeseen circumstance. Once the RCSD realized that its facilities were in danger, they did everything reasonable to protect them. However, those efforts were overwhelmed. The Board agreed with staff's recommendation that no further action be taken with regard to this sewage spill, other than for staff to monitor the RCSD's progress toward the construction of a permanent solution.

Member Withers asked staff to provide the Board with information on what other facilities along the river may need to be assessed to prevent this same situation from occurring in the future at other sites.

21. San Bernardino County Areawide Storm Water Program — A representative of the San Bernardino County Storm Water Program briefed the Regional Board on the status of the areawide storm water program.

Matt Yeager with San Bernardino County Flood Control briefed the Board on the current status of the various program elements of their Storm Water Program. Elements presented were the Program Administration, Areawide Program Budget, Inspections, New Development, Municipal Activities, Public Education, Training, MS4 Database, Project Participation, Monitoring Program and Ongoing Challenges.

22. Newport Bay/San Diego Creek Watershed Toxics TMDLs and Proposed Regional Monitoring Program (RMP) — Update on the Newport Bay toxics TMDLs development, including proposed toxics RMP to collect comprehensive water quality data in the Newport Bay watershed. (This item was postponed from the February 3, 2005 Board Meeting.) (Information item).

Joanne Schneider, Environmental Program Manager, provided a summary of the lengthy written report provided to the Board. The purpose of the report is to give an overview of the work staff is involved in for the Toxic TMDLs for Newport Bay and San Diego Creek and staff's anticipated schedule for Board consideration of Basin Plan Amendments to include those TMDLs with implementation plans within the Basin Plan. Included in the report is a very brief summary of

some of the most pertinent details related to each of these TMDLS. Once documentation is prepared for a Basin Plan Amendment, the Board will receive detailed reports.

23. Status Report on Rialto-Colton-Fontana Perchlorate Investigation — Staff will provide an update on the progress of investigation of perchlorate pollution in this area (information item).

This item contained a written report. Robert Holub, Supervising Water Resource Control Engineer, updated the Board on recent events concerning Emhart Industries. A CAO was issued on Monday, February 28, 2005. This CAO was issued to preserve the Regional Boards claim against Emhart, which filed for dissolution in Connecticut in 2002. Connecticut statutes require that a proceeding to enforce a claim must be initiated within three years of publication of the dissolution notice. CAO deadlines will be established by future Board action. West Valley Water District and Fontana Water Company also filed suit against Emhart on Monday, February 28, 2005, as did the City of Colton.

Kurt Berchtold, Assistant Executive Officer, informed the Board of tentative hearing dates of August 18 and 19 in anticipation of Emhart requesting a hearing before the Board on the CAO. Staff requested that the hearing be held during this time frame to allow for ongoing discovery and additional depositions of former West Coast Loading employees in conjunction with the City of Rialto's litigation and other possible depositions in regard to the CAO. The hearing could be held with a hearing panel, not necessarily the entire Board. Location will most likely be Loma Linda Council Chambers.

Speaker on the item:

Francis Logan, City of Rialto's Special Council for Water Matters, spoke to the Board regarding the Regional Board staff's efforts in getting the CAO completed. Mr. Logan stated that representatives from his office would be in attendance at the hearing in August. The City of Rialto is working with the County on replacement water for Rialto Well No. 3.

24. Hazardous Waste and Sewage Spill Incident Report — (information item).

This was a written information item.

25. Underground Storage Tanks Site Closure Report — A list of site closures that have occurred within the Region as required by the California Underground Storage Tank Regulations, Title 23, Article 11, Section 2728(d). (Information item).

This was a written information item.

26. Underground Storage Tanks Corrective Action Plans — A list of sites where Corrective Action plans have been submitted within the Region as required by the California Underground Storage

This was a written information item.

27. Quarterly Violations Report — A list of violations as required by the State Water Resource Control Board's Water Quality Enforcement Policy (information item).

This was a written information item.

28. General Permits — List of all new permittees recently enrolled under the Region's general permits (information item).

This was a written information item.

29. Executive Officer's Report (information item).

Gerard Thibeault asked the board to pay particular attention to the Quail Valley Septic Tank issue mentioned in the written report as it may get a lot of attention in the future. The wet conditions this season exposed the poor operating conditions of the septic tanks in Quail Valley that are tributary to Canyon Lake, a drinking water supply.

Board Staff prepared a written report to answer the Board's questions regarding the Vessel Waste Disposal questions that were raised at the last Board Meeting.

We signed a Memorandum of Agreement with the Department of Toxic Substances Control along with the State Board and all other Regional Boards concerning Brownfields. The Agreement states that a process will be developed between all the Agencies to designate a lead agency for all new Brownfield sites, and that there will be only one lead agency. Bob Holub has been designated as our Brownfields Coordinator.

Bob has been working with a consultant for the Chino Basin Watermaster who has been very concerned with a very large TCE plume down gradient of the Ontario Airport. Six Clean-up and Abatement Orders have been drafted by Board staff for possible issuance by the Executive Officer at a later date.

30. Adjournment

Board Chair Beswick adjourned to Closed Session at 11:09 a.m. Jorge León, Regional Board Legal Counsel, recommended discussion of potential litigation involving Emhart. Authorized by Government Code 11126 sub-paragraph E.

At the end of the Closed Session, the meeting was adjourned to the next meeting on April 15, 2005 at 9:00 a.m., at City of Loma Linda Council Chambers, 25541 Barton Road, Loma Linda.

Respectfully submitted:



GERARD J. THIBEAULT
Executive Officer

/cae